

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NATHANIEL JOHNSON,

Plaintiff,

vs.

KELLY, *et al.*,

Defendants.

2:11-cv-01858-KJD-VCF

ORDER

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Nathaniel Johnson that concerns his pretrial detention at the Clark County Detention Center. On February 22, 2012, the court issued an order that, among other things, granted plaintiff's application to proceed *in forma pauperis* and screened plaintiff's complaint. (ECF No. 3.) In that order, the court concluded that plaintiff's excessive force claim, due process claim, and supervisory liability claims may proceed but dismissed plaintiff's medical care claim without prejudice and with leave to amend. (*Id.*) The court allowed plaintiff thirty days to file an amended complaint. (*Id.*) Plaintiff informs the court that he seeks to proceed on his original complaint and moves for service of the complaint. (ECF No. 7.) Accordingly, the court grants plaintiff's motion and issues the appropriate summonses.

1 Because the court previously dismissed plaintiff's medical care claim for failing to state a
2 cognizable claim, the court dismisses the defendants against whom the medical claim is
3 asserted—defendants Joyce and Miteall.

4 **IT IS THEREFORE ORDERED** that defendants Joyce and Miteall are **DISMISSED** from this
5 action.

6 **IT IS FURTHER ORDERED** that plaintiff's motion for service of process (ECF No. 7) is
7 **GRANTED**.

8 **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. §1915, as amended by the Prisoner
9 Litigation Reform Act of 1996, the Nevada Department of Corrections shall pay the clerk of the United
10 States District Court, District of Nevada, 20% of the preceding month's deposits to plaintiff's account
11 (in months that the account exceeds \$10.00), until the full \$350.00 filing fee has been paid for this
12 action. The clerk shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The
13 clerk shall also **SEND** a copy of this order to the attention of the Chief of Inmate Services for the Nevada
14 Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

15 **IT IS FURTHER ORDERED** that the clerk shall issue summons for defendants Terriquez,
16 Kelly, Varner, Flipppo, Suey, and Donahue and deliver same, along with six copies of the complaint (ECF
17 No. 4), to the U.S. Marshal for service. The clerk shall send to plaintiff six(6) USM-285 forms, one
18 copy of the complaint and a copy of this order. Plaintiff shall have **twenty (20) days** in which to furnish
19 to the U.S. Marshal the required USM-285 forms. Within **twenty (20) days** after receiving from the
20 U.S. Marshal a copy of the USM-285 forms showing whether service has been accomplished, plaintiff
21 must file a notice with the court identifying which defendants were served and which were not served,
22 if any. If plaintiff wishes to have service again attempted on an unserved defendant(s), then a motion
23 must be filed with the court identifying the unserved defendant(s) and specifying a more detailed name
24 and/or address for said defendant(s), or whether some other manner of service should be attempted.

25 **IT IS FURTHER ORDERED** that henceforth, plaintiff shall serve upon defendants, or, if an
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1 appearance has been made by counsel, upon their attorney(s), a copy of every pleading, motion, or other
2 document submitted for consideration by the court. Plaintiff shall include with the original paper
3 submitted for filing a certificate stating the date that a true and correct copy of the document was mailed
4 to the defendants or counsel for defendants. If counsel has entered a notice of appearance, the plaintiff
5 shall direct service to the individual attorney named in the notice of appearance, at the address stated
6 therein. The court may disregard any paper received by a district judge or a magistrate judge that has
7 not been filed with the clerk, and any paper which fails to include a certificate showing proper service.

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9 DATED this 10th day of April, 2012.

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12 UNITED STATES MAGISTRATE JUDGE
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